

ORDINANCE NO. 2005-18

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING ORDINANCE 2005-13 WHICH ADDED ARTICLE 8-2 (BUSINESS REGISTRATIONS); PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA:

Section 1: Amendment of Article 8-2-2 of the Sedona City Code

Section 8-2-2 of the Sedona City Code is hereby amended by deleting items J and K from the contents of the application form as follows:

Section 8-2-2 Contents of Application Form

The application forms supplied by the city shall include, but not be limited to, the following questions:

- A. Business or trade name;
- B. Address of business headquarters;
- C. Location of business within the city;
- D. Business mailing address;
- E. Business owner;
- F. Applicant's name; street address;
- G. Business telephone number;
- H. Exact nature of business;
- I. Number of employees;

Section 2: Addition of Section 8-2-5 (Definitions)

Section 8-2-5 is hereby added to Article 8-2 of the Sedona City Code, and the remaining sections renumbered, as follows:

Section 8-2-5 Definitions

- A. Business: All activities or acts, personal or corporate, engaged in and caused to be engaged in with the object of gain, benefit, or advantage, either direct or indirect, but not casual activities or sales.
- B. Casual Activity or Sale: A transaction of an isolated nature made by a person who neither represents himself to be nor is engaged in a business subject to a tax imposed by the City or State. However, no sale, rental, license for use, or lease transaction concerning real property nor any activity entered into by a business taxable shall be treated, or be exempt, as casual. This definition shall include sales of used capital

assets, provided that the volume and frequency of such sales do not indicate that the seller regularly engages in selling such property.

Section 3: Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 4: Repeal

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section 5. Enforcement.

Violations of this article 8-2 shall be prosecuted through the issuance of a civil citation pursuant to Article 1-8.E of the City Code, as amended, for a first offense. Subsequent offenses by the same business or owner(s) may be prosecuted as Class 1 misdemeanors pursuant to Article 1-8.A. In the case of willful violations or refusal of a business to complete the registration, the City may also elect to suspend or not accept applications for zoning amendments or other matters under the Land Development Code, deny grant applications under a City funding program, or other cooperative activities.

Section 6: Effective Date

The provisions of this amending ordinance take effect beginning January 31, 2006.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona this 13th day of December, 2005.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney